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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,033	09/22/2003	Serge Moreau	9680.236US01	7869
23552	7590	01/26/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903				GREEN, CHRISTY MARIE
ART UNIT		PAPER NUMBER		
		3635		

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/667,033	MOREAU, SERGE
	Examiner	Art Unit
	Christy M Green	3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 22 September 2004.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/11/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

This is a first office action for serial number 10667033, entitled Composite Floor System, filed on September 22, 2003.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5-11, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Taft, Us Patent # 4,432,178.

Taft discloses the claimed invention a framing system (10) for a composite concrete floor, the framing system comprising horizontally extending primary framing members (12) supporting secondary framing members (14) across the primary framing members (figure 2), said primary and secondary framing members being made of a metallic structural material (abstract, line 1), each of said secondary framing members (14) having two opposite ends provided with a shear shoe (46), said shear shoe being fixed to said primary framing members by means of a structural joint (with 20, 22) sufficient to provide a shear connection between said concrete floor and said primary framing members (column 3, lines 54-60); shoes (46) of each secondary framing member (14) comprise an iron angle having: framing system as defined in claim 1, wherein said shear one horizontally extending face (attached figure 2) fixed by means of said structural joint to a horizontal face of a respective one of said primary framing

members (column 3, lines 18-21), and one vertically extending face (where 46 points to – figure 2) fixed to said secondary framing members (14); the secondary framing members (14) have continuous shear connection to the concrete floor (column 3, lines 54-59); the secondary framing members have a top chord embedded in the concrete floor, thereby providing said shear connection to the concrete floor (column 4, lines 50-54); said primary framing member (12) is a truss (column 2, lines 55-56) or a steel beam (at 16 and 18); said secondary framing members are open-web steel joist (column 3, lines 18-20); said metallic structural material is steel (abstract, line 1).

In regards to claims 11, 13 and 14, Taft further discloses a method of erecting a framing system for a composite concrete floor comprising the steps of: providing primary and secondary framing (12, 14) members made of a metallic structural material (abstract, line 1), each of said secondary framing members having two opposite ends provided with a shoe (46); placing said primary framing members in parallel relation (figure 1), placing said secondary framing members (14) transversally between said primary framing members (12) with said shoes bearing on the primary framing members, and fixing said shoes (46) to said primary framing members with a structural joint sufficient to provide a shear connection for said primary framing members (column 3, lines 18-21); said secondary framing members have a continuous shear connector (column 3, lines 54-59); said shear connector is a continuous top chord adapted to be embedded in said concrete floor (column 4, lines 50-55).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taft.

Taft discloses the claimed invention as stated above in claim 1, except for the structural joint is selected from the group consisting of a weld joint and a bolt joint or the step of welding the joint. Since Taft already teaches welded joints (column 3, line 1) between connecting plate and angle members (column 3, lines 5-7), It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the structural joint to be a welded joint and a bold joint, in order to provide a more secure structural joint of the shoes and the secondary frame member of Taft.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Or  
Cg  
December 10, 2004



Cari D. Friedman  
Supervisory Patent Examiner  
Group 3600

